

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

FRANCINE ROTH,

PLAINTIFF,

v.

TARGET CORPORATION A/K/A, D/B/A, AND T/A  
TARGET,

DEFENDANT.

: Jury Trial Demanded

**NOTICE OF REMOVAL**

TO THE HONORABLE CHIEF JUSTICE AND JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Target Corporation (incorrectly identified as “Target Corporation a/k/a, d/b/a, and t/a Target”), defendant in the matter of *Francine Roth v. Target Corporation a/k/a, d/b/a, and t/a Target*, hereby files this Notice of Removal for the removal of this action from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. There is complete diversity, the amount in controversy exceeds seventy-five thousand dollars, exclusive of interest and costs and this notice has been timely filed. In support thereof, Target Corporation avers as follows:

1. Plaintiff commenced the above-captioned action by the filing of a Complaint in the Court of Common Pleas of Philadelphia County on November 29, 2018. A copy of plaintiff's Complaint is attached as Exhibit A.

2. As averred in the Complaint, plaintiff Francine Roth, is a citizen of the Commonwealth of Pennsylvania and resides at 54 Margin Road, Levittown, Pennsylvania 19056. See Exhibit A.

3. Defendant, Target Corporation, is neither incorporated nor maintains its principal place of business in the Commonwealth of Pennsylvania.

4. Target Corporation is a corporation organized and existing under the laws of the State of Minnesota, with its principal place of business in that State.

5. For purposes of removal the citizenship of defendants sued under fictitious names shall be disregarded. 28 U.S.C.S. § 1441(b)(1).

6. "Target" is a trade name utilized by Target Corporation and not a business entity.

7. At the time of the filing of plaintiff's Complaint and at the time of this removal, there is complete diversity of citizenship amongst the parties pursuant to 28 U.S.C. § 1332(a)(1).

8. Plaintiff filed her thirteen paragraph Complaint on November 29, 2018, in which she alleged that she slipped and fell on August 14, 2017 at the Target Store located at 800 Rock Hill Drive in Bensalem, PA. *See Exhibit A, ¶4.*

9. The Complaint sets forth a single negligence-based cause of action that contains boilerplate language setting forth liability and damages claims against Target Corporation.

10. It is averred that she sustained "personal injuries to her head, body and limbs, including but not limited to, bilateral olecranon fractures requiring operative fixation, bilateral knee contusions, severe pain disorder, severe damage to her nerves and nervous system, and other various ills and injuries[.] *See Exhibit A, ¶8.*

11. Plaintiff also avers that she has undergone "pain and agony, from which she has suffered, and may and probably will continue to suffer for an indefinite time in the future, all of which may be permanent." *See Exhibit A, ¶9.*

12. Courts in this district have stated that Complaints with boilerplate pleading language do not put defendants on notice as to the amount in controversy for removal purposes.

*See Rosenfield v. Forest City Enterprises, L.P.*, 300 F.Supp.3d 674, 676-679 (E.D. Pa. 2018) (plaintiff's Complaint that was "largely boilerplate" and was not sufficient to determine amount in controversy. The Court noted that the Complaint pled that the plaintiff sustained a "fractured left patella", incurred expenses for surgery, sustained "great physical pain and mental anguish" as well as "humiliation". The Court described these averments as generic. It was determined that "the first time that grounds for removal were apparent under § 1446(b) was when the case management conference memorandum was filed" which contained a demand of \$350,000.); *Davis v. Donnelly*, 2015 WL 765988 (E.D. Pa. 2015) (auto accident complaint alleging "severe and permanent" injuries to plaintiff's "head, body and limbs" and demanding damages in excess of \$50,000 did not place defendant on notice of amount in controversy); *Alston v. Wal-Mart Stores East, L.P.*, 2012 WL 4321973, \*1 (E.D. Pa. 2012) (injury allegations from a slip and fall of a "fracture of the left ankle, cervical sprain and strain, left shoulder stain, and sprain, thoracic strain and sprain, lumbar strain and sprain, together with shock and injury to nerves and nervous system" were not sufficient to place defendant on notice of amount in controversy).

13. In all of these cases the court concluded that without concrete numbers or facts from which a defendant could reasonably calculate the amount in controversy, the plaintiffs' mere allegations of their physical injuries were insufficient to put the removing party on notice of the amount in controversy. *Young v. Wal-Mart Stores East, L.P.*, 2015 U.S. Dist. LEXIS 30973, at \*10-11 (E.D. Pa. 2015).

14. As in the above cases, plaintiff's averments in her Complaint are boilerplate, vague and generic, which made her Complaint insufficient to put Target Corporation on notice as to the amount in controversy.

15. Thereafter, on March 4, 2019 counsel for Defendant Corporation received a copy of plaintiff's Case management Conference Memorandum. The memorandum stated that her demand in this matter was \$1,200,000 and that she had incurred medical expenses in excess of \$50,000. A copy of plaintiff's counsel's e-mail enclosing her Case Management Memorandum, and Case Management Memorandum are attached as Exhibit B.

16. When it is not apparent from the face of the initial pleading that a case is removable, a notice of removal may be filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order, or other paper from which it may first be ascertained that the case is on which is or has become removable. 28 U.S.C. § 1441(b).

17. It was upon receipt of plaintiff's case management conference memorandum that Target Corporation was first put on notice that the amount in controversy in this matter exceeds \$75,000.

18. Removal is timely as to Target Corporation's notice of removal because it has been filed within 30 days of receipt of "other paper" which it may be first ascertained that the case is removable. 28 U.S.C. § 1446(b).

19. This Court has jurisdiction of the above-captioned matter pursuant to 28 U.S.C. § 1332, and this action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).

20. Written notice of the filing of this Notice will be served on the adverse parties as required by 28 U.S.C. §1446(d).

21. A copy of this Notice will be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, as provided by 28 U.S.C. §1446(d).

22. Pursuant to 28 U.S.C. §1446(a), all process, pleadings and orders are attached as Exhibit A.

WHEREFORE, Target Corporation prays that it may effect the removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

**RICCI TYRRELL JOHNSON & GREY**

By:



Francis J. Grey, Jr. (No. 56145)

Jonathan A. Delgado (No. 320759)

1515 Market Street, Suite 700

Philadelphia, PA 19102

(215) 320.3260

[fgrey@rtjglaw.com](mailto:fgrey@rtjglaw.com)

[jdelgado@rtjglaw.com](mailto:jdelgado@rtjglaw.com)

*Counsel for Defendant,*

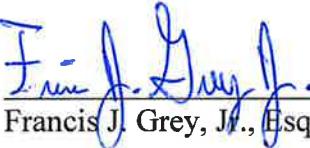
*Target Corporation*

**CERTIFICATE OF SERVICE**

I, Francis J. Grey, Jr., Esquire, do hereby certify that a true and correct copy of Target Corporation's Notice of Removal was filed and served via First Class U.S. mail, postage pre-paid this March 12, 2019 addressed as follows:

Stuart A. Winegrad, Esquire  
Bezark, Lerner & Devirgilis, P.C.  
1600 Market Street, Suite 1610  
Philadelphia, Pennsylvania 19103  
*Counsel for Plaintiff*

By:

  
\_\_\_\_\_  
Francis J. Grey, Jr., Esquire

# **EXHIBIT A**

Court of Common Pleas of Philadelphia County  
Trial Division

# Civil Cover Sheet

		For Prothonotary Use Only (Docket Number) <b>NOVEMBER 2018</b> E-Filing Number: 1811057993					
<b>PLAINTIFF'S NAME</b> FRANCINE ROTH		<b>DEFENDANT'S NAME</b> TARGET CORPORATION A/K/A, D/B/A AND T/A TARGET					
<b>PLAINTIFF'S ADDRESS</b> 54 MARGIN ROAD LEVITTOWN PA 19056		<b>DEFENDANT'S ADDRESS</b> 800 ROCK HILL DRIVE PHILADELPHIA PA 19020					
<b>PLAINTIFF'S NAME</b>		<b>DEFENDANT'S NAME</b>					
<b>PLAINTIFF'S ADDRESS</b>		<b>DEFENDANT'S ADDRESS</b>					
<b>PLAINTIFF'S NAME</b>		<b>DEFENDANT'S NAME</b>					
<b>PLAINTIFF'S ADDRESS</b>		<b>DEFENDANT'S ADDRESS</b>					
<b>TOTAL NUMBER OF PLAINTIFFS</b>  1		<b>TOTAL NUMBER OF DEFENDANTS</b>  1		<b>COMMENCEMENT OF ACTION</b> <div style="display: flex; justify-content: space-around;"> <input checked="" type="checkbox"/> Complaint      <input type="checkbox"/> Petition Action      <input type="checkbox"/> Notice of Appeal  <input type="checkbox"/> Writ of Summons      <input type="checkbox"/> Transfer From Other Jurisdictions       </div>			
<b>AMOUNT IN CONTROVERSY</b> <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00		<b>COURT PROGRAMS</b> <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Arbitration      <input type="checkbox"/> Mass Tort      <input type="checkbox"/> Commerce      <input type="checkbox"/> Settlement  <input type="checkbox"/> Jury      <input type="checkbox"/> Savings Action      <input type="checkbox"/> Minor Court Appeal      <input type="checkbox"/> Minors  <input checked="" type="checkbox"/> Non-Jury      <input type="checkbox"/> Petition      <input type="checkbox"/> Statutory Appeals      <input type="checkbox"/> W/D/Survival  <input type="checkbox"/> Other: _____       </div>					
<b>CASE TYPE AND CODE</b> 2S - PREMISES LIABILITY, SLIP/FALL							
<b>STATUTORY BASIS FOR CAUSE OF ACTION</b>							
<b>FILED PRO PROTHY</b> <b>NOV 29 2018</b> <b>M. BRYANT</b>						<b>IS CASE SUBJECT TO COORDINATION ORDER?</b> YES      NO	
<b>TO THE PROTHONOTARY:</b> Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>FRANCINE ROTH</u> Papers may be served at the address set forth below.							
<b>NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY</b> STUART A. WINEGRAD				<b>ADDRESS</b> 1600 MARKET ST SUITE 1610 PHILADELPHIA PA 19103			
<b>PHONE NUMBER</b> (215) 735-5599		<b>FAX NUMBER</b> (215) 735-5599					
<b>SUPREME COURT IDENTIFICATION NO.</b> 77502				<b>E-MAIL ADDRESS</b> swinegrad@bldvlaw.com			
<b>SIGNATURE OF FILING ATTORNEY OR PARTY</b> STUART WINEGRAD				<b>DATE SUBMITTED</b> Thursday, November 29, 2018, 11:46 am			

BEZARK, LERNER & DEVIRGILIS, P.C.  
 By: Stuart A. Winegrad, Esquire  
 Identification No. 77502  
 1600 Market Street, Suite 1610  
 Philadelphia, PA 19103  
 Phone: (215) 735-5599  
 Fax: (215) 735-4147

*Filed and Attested by the  
 Office of Judicial Records  
 29 NOV 2018 11:46 am  
 M. BRYANT*

*Attorney for Plaintiff*

FRANCINE ROTH 54 Margin Road Levittown, PA 19056	:	COURT OF COMMON PLEAS PHILADELPHIA COUNTY
v.	:	
TARGET CORPORATION a/k/a, d/b/a, and t/a TARGET 800 Rock Hill Drive Bensalem, PA 19020	:	NO.
	:	

**CIVIL ACTION: (2. Personal Injury)**  
**2120/26020 Premises Liability**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT KNOW A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE:  
 LAWYER REFERENCE SERVICE  
 ONE READING CENTER  
 Philadelphia, PA  
 (215) 238-6333

**AVISO**

Le han demandado a usted en la corte. Si desea defenderse contra las quejas presentadas, es absolutamente necesario que usted responda dentro de 20 dias despues de ser servido con estat demanda y aviso. Para defenderse es necesario que usted, o su abogado, registre con la corte en forma escrita, el punto de vista de usted y cualquier objecion contra las quejas en esta demanda. Recuerde: Si usted no responde a esta demanda, se puede proseguir con el proceso sin su participacion. Entonces la corte puede, sin notificarlo decidir a favor del demandante y requerira que usted cumpla con todas las provisiones de esta demanda. Por razon de esa decision, es posible que usted pueda perder dinero, propiedad o otros derechos importantes.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO CONOCE A UN ABOGADO, LLAME AL LAWYER REFERENCE SERVICE (SERVICIO DE REFERENCIA DE ABOGADOS)  
 One Reading Center  
 Filadelfia, PA  
 (215) 238-6333

**COMPLAINT IN CIVIL ACTION**

**COUNT I**

**Plaintiff, Francine Roth v. Defendant**

1. Plaintiff, Francine Roth, is an individual residing at the captioned address, Commonwealth of Pennsylvania.

2. Defendant, Target Corporation a/k/a, d/b/a and t/a Target (hereinafter "Target") is a corporation or other business entity duly organized and existing pursuant to the laws of the State of Minnesota, with its principal place of business located at the above captioned address, Commonwealth of Pennsylvania, and at all times material herein did own, possess, maintain, operate and control a store at 800 Rock Hill Drive, Bensalem, PA 19120.

3. At all times material herein, Defendant, Target has and continues to regularly conduct business in the County of Philadelphia, Commonwealth of Pennsylvania.

4. On or about August 14, 2017, and for some time prior thereto, there existed on the floor in the center aisle, a puddle of drink or some other liquid substance, which presented an unreasonable obstruction and impediment to the passage of pedestrian traffic on the floor and the defect presented an unreasonable risk of harm to pedestrian traffic.

5. On the aforesaid date at approximately 1:00 p.m., plaintiff, a business invitee at said store, was lawfully proceeding on foot when she slipped on the aforesaid liquid or substance, causing her to fall heavily to the ground, hitting her elbows and thereby sustaining the personal injuries hereinafter more fully described.

6. Defendant was under a duty to take reasonable care to make safe or to warn the plaintiff of the presence of any condition on the defendant's premises that defendant knew, or in the exercise of reasonable care should have known existed and that defendant realized, or should have realized, involved an unreasonable risk of harm to plaintiff, and that defendant knew or in the exercise of reasonable care should have known, was unknown to and unlikely to be discovered by

plaintiff.

7. The aforesaid accident and resulting injury to plaintiff was caused as a direct and proximate result of the negligence, carelessness, recklessness and misconduct of the defendant, its employees, servants, and/or agents which consisted of:

- (a) failing to adequately and properly maintain the floor and surrounding area in a safe condition;
- (b) permitting a dangerous and defective condition to exist on the floor area;
- (c) permitting the floor area to be and remain in a slippery and dangerous condition;
- (d) permitting the floor area to have an improper and dangerous collection of water, or other liquid substance;
- (e) permitting a supply condition to be and remain on the floor area;
- (f) failing to post warning signs or take any reasonable measure to warn plaintiff and other patrons of the dangerous condition aforesaid;
- (g) failing to discover the dangerous and unsafe condition of the floor area; and
- (h) failing to repair, correct or remedy the dangerous, defective and unsafe condition of the floor area.

8. Solely by reason of the aforesaid negligence, plaintiff sustained severe and serious personal injuries to her head, body and limbs, including but not limited to, bilateral olecranon fractures requiring operative fixation, bilateral knee contusions, severe pain disorder, severe damage to her nerves and nervous system, and other various ills and injuries, all of which may continue for an indefinite time in the future.

9. Solely by reason of the aforesaid negligence, plaintiff was rendered sick, sore, lame, prostrate and disordered and was made to undergo great pain and agony, from which she has suffered, and may and probably will in the future continue to suffer for an indefinite time in the future, all of which may be permanent.

10. As a further result of the wrongful and liability producing conduct of the defendant, the plaintiff has been obliged to expend various and diverse sums of money for medicine and

medical care and treatment in and about an effort to cure herself of the ills and injuries she has suffered and has also been required to expend sums of money for additional care and will be obliged to do so in the future, for which a claim is hereby made.

11. As a further result of the aforesaid negligence, plaintiff has been and will in the future, be prevented from attending to her usual duties and occupation, all to her great financial damage and loss.

12. As a further result of the aforesaid negligence, plaintiff has been deprived of life's pleasures and may and probably will in the future, continue to suffer loss of same, all to her great damage and loss.

13. As a further result of the aforesaid negligence, plaintiff has suffered a cosmetic disfigurement and she may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff, Francine Roth, claims damages of the Defendant, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus costs, interest and delay damages.

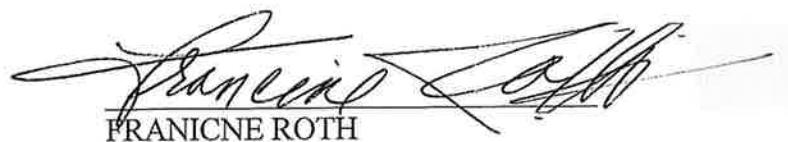
**BEZARK, LERNER & DEVIRGILIS, P.C.**

BY: 

**STUART A. WINÉGRAD, ESQUIRE**  
Attorney for Plaintiff, Francine Roth

**VERIFICATION**

I FRANCINE ROTH, hereby states that she is the plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



A handwritten signature in black ink, appearing to read "Francine Roth". Below the signature, the name "FRANCINE ROTH" is printed in a standard sans-serif font.

DATED:



235 South 3rd Street  
PHILADELPHIA, PA 19107  
PHONE: (215) 546-7400  
FAX: (215) 985-0169



National Association of  
Professional Process Servers

Francine Roth

-VS-

Target Corporation a/k/a, d/b/a, and t/a Target

Case #: 2018-93791-0000 12144341  
Main (Public)  
Code: 0 Judge:  
Rpt: Z2093507 11/29/2018 2:57:26 PM

Court of Common Pleas of  
Pennsylvania  
Philadelphia County - Civil  
1811-3156

CASE NUMBER

State of \_\_\_\_\_

## AFFIDAVIT

County of \_\_\_\_\_

B&R Control # CS156591.01

Reference Number

### FORWARDED SERVICE

Now, on 12/4/2018, I do hereby request the Sheriff of Bucks County to serve this Civil Action Complaint and make return thereof in accordance with the Law, for service upon Target Corporation a/k/a, d/b/a, t/a Target at 800 Rock Hill Drive, Bensalem, PA 19020  
By (Competent Adult) Fred Blum Sheriff Check Amt \$58 #20749

### \*\*\*\* SPECIAL INSTRUCTIONS \*\*\*\*

See Attached

2018 DEC 11  
1120  
3

Served Date \_\_\_\_\_ Time \_\_\_\_\_ Accepted By: \_\_\_\_\_

In the manner described below.

- Personally served.
- Adult in charge of residence. Relationship is \_\_\_\_\_
- Adult in charge of residence who refused to give name and/or relationship. \_\_\_\_\_
- Manager/Clerk of place of residence lodging \_\_\_\_\_
- Agent or person authorized to accept service \_\_\_\_\_
- Other \_\_\_\_\_

Description of Person Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_  
Other \_\_\_\_\_

Not Served Date \_\_\_\_\_ Time \_\_\_\_\_  Moved  Unknown  No Answer  Vacant

Other \_\_\_\_\_

The Process Server, was at the time of service a competent adult, over 18 years of age, not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public

Process Server/Sheriff \_\_\_\_\_

Client Phone (215) 735-5599

: Filed Date: 11/29/2018 BR Serve By: 12/28/2018

Stuart A. Winegrad, Esquire  
Bezark, Lerner & DeVirgilis  
1600 Market Street  
Suite 1610  
Philadelphia, PA 19103



ORIGINAL

Case ID: 181103156

130803  
PSBUCKS COUNTY  
SHERIFF'S RETURN

1 of 1

Bucks County Case # 201893791

Invoice to be mailed to

County Sheriff's Office

Attn: B & R SERVICES

Special Instructions

RECEIVED  
BUCKS COUNTY, PENNSYLVANIA  
SHERIFF'S OFFICE  
DEPARTMENT OF POLICE  
TO THE COURT OF COMMON PLEAS  
RECEIVED  
12/13/2018  
12:45 PM

Notes

Filed 11/29/2018 in B & R SERVICES  
Bucks Case # 201893791 Rec'd 12/13/2018

Special Instructions

Action Civil Action COMPLAINTPlaintiff FRANCINE ROTH

- VS -

Defendant TARGET CORPORATION aka dba t/a TARGET  
800 ROCK HILL DRIVE  
BENSALEM PA 19020

Address Served if Different

 Served under Pa. R.C.P. #402

- (A) (i) Defendant personally served
- (A) (2) (i) Family Member
- (A) (2) (i) Adult in Charge of Residence
- (A) (2) (ii) Manager/Clerk at Deft's Lodging
- (A) (2) (iii) Person in Charge of Business

By Handling to Mike Sauer By Posting Not Served

- |  |  |
|--|--|
| <input type="checkbox"/> 30 Days Ran Out     | <input type="checkbox"/> Defendant Not Home          |
| <input type="checkbox"/> Defendant Moved     | <input type="checkbox"/> Address Vacant              |
| <input type="checkbox"/> Defendant Unknown   | <input type="checkbox"/> Deputy needs better address |
| <input type="checkbox"/> Checked Post Office | <input type="checkbox"/> No Forwarding               |
| <input type="checkbox"/> Forwarding Address  |  |

Twp./Boro Bensalem  
By Deputy Parker

Witness

At 0705 o'clock (AM / PM) on 12-24-18The above document was served ~~on~~ on the defendant as per information listed above in the County of Bucks, Commonwealth of Pennsylvania.

So answers:

Sheriff of Bucks County

Affirmed and Subscribed before me on this day / / /

Prothonotary

Affirmed and subscribed before me on this day / / /

Notary Public

My Com. Exp. \_\_\_\_\_

ZONE 3

Case ID: 181103156

**County of Bucks  
Sheriff's Office**

Sheriff's Return of Service Report (Prothy)  
From 12/24/2018 12:00:00AM to 1/9/2019 11:59:59PM

Case Number 2018-93791

Judge: NOT ASSIGNED

Class:

TO: B & R SERVICES, INC.  
235 SOUTH 13TH STREET  
PHILADELPHIA, PA 19107

**PLAINTIFF**

ROTH, FRANCINE  
UNKNOWN

**DEFENDANT**

TARGET CORPORATION AKA DBA TA TARGET  
800 ROCK HILL DRIVE  
BENSALEM, PA 19020

Filing Date	Filing Description	Cashier
11/29/18 2:57 pm	SHERIFF COMPLAINT CIVIL ACTION RECEIVED FROM B & R	rrr
12/18/18 4:11 pm	RECEIVED IN SHERIFF'S OFFICE FOR SERVICE. TRANSACTION #18 1 21044 . AMOUNT PAID \$58.00 .	rrr
12/24/18 7:05 am	SHERIFF'S RETURN, UNDER OATH, FILED. DEPUTY PARKER, SERVED DEFENDANT TARGET CORPORATION AKA DBA T/A TARGET AT 800 ROCK HILL DRIVE BENSALEM PA 19020 PURSUANT TO PA.R.C.P. #402(A)(2)(II) BY HANDING TO MIKE SAUER PIC OF BUSINESS ,	rrr
1/7/19 10:11 am	INVOICE MAILED TO B & R SERVICES	rrr

**Note: To view all Case docket filing on the Web at no cost**

Go to: <http://www.buckscounty.org>

Click: Online Service tab

Click: Public Access System

Click: Prothonotary (Civil Court)

Follow the instruction for Prothonotary and Domestic Relation (Family Court) OR

To access documents and case searches for the Prothonotary Office and Family Court, please use the web link:

<http://propublic.co.bucks.pa.us/psi>

Case ID: 181103156

**RICCI TYRRELL JOHNSON & GREY**  
By: Francis J. Grey, Jr., Esquire  
I.D. Number: 56145  
Jonathan A. Delgado, Esquire  
I.D. Number: 320759  
1515 Market Street, Suite 700  
Philadelphia, Pennsylvania 19102  
(215) 320-3260

*Counsel for Defendant*  
*Target Corporation*  
*Filed and Attested by the*  
*Office of Judicial Records*  
*06 MAR 2019 10:25 am*  
*G. IMPERATO*

FRANCINE ROTH

PLAINTIFF,

v.

TARGET CORPORATION A/K/A, D/B/A, AND  
T/A TARGET,

DEFENDANT.

PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS  
TRIAL DIVISION

NOVEMBER TERM, 2018

CASE NO: 3156

JURY TRIAL DEMANDED

**ENTRY OF APPEARANCE**

Kindly enter our appearance on behalf of Defendant, Target Corporation (incorrectly identified as "Target Corporation a/k/a, d/b/a, and t/a Target"), in the above-captioned matter.

**RICCI TYRRELL JOHNSON & GREY**

By: s/ Francis J. Grey, Jr.  
Francis J. Grey, Jr., Esquire  
Jonathan A. Delgado, Esquire  
*Counsel for Defendant,*  
*Target Corporation*

Dated: March 6, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that I will serve a true and correct copy of the foregoing Entry of Appearance in accordance with Pa.R.C.P. 440 on all parties not electronically served. All other parties will be electronically served by the court in accordance with Pa.R.C.P. 205.4(g), and via certified mail.

Stuart A. Winegrad, Esquire  
Bezark, Lerner & Devirgilis, P.C.  
1600 Market Street, Suite 1610  
Philadelphia, PA 19103  
*Counsel for Plaintiff*

By: s/ Francis J. Grey, Jr.  
Francis J. Grey, Jr., Esquire

Date: March 6, 2019

**RICCI TYRRELL JOHNSON & GREY**  
By: Francis J. Grey, Jr., Esquire  
I.D. Number: 56145  
Jonathan A. Delgado, Esquire  
I.D. Number: 320759  
1515 Market Street, Suite 700  
Philadelphia, Pennsylvania 19102  
(215) 320-3260

*Counsel for Defendant,  
Target Corporation*

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FRANCINE ROTH	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
PLAINTIFF,	:	TRIAL DIVISION
V.	:	NOVEMBER TERM, 2018
TARGET CORPORATION A/K/A, D/B/A, AND	:	CASE NO: 3156
T/A TARGET,	:	JURY TRIAL DEMANDED
DEFENDANT.	:	

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**DEMAND FOR JURY TRIAL**

A twelve (12) member jury is hereby demanded in the above-captioned matter by Target Corporation (incorrectly identified as "Target Corporation a/k/a, d/b/a, and t/a Target").

**RICCI TYRRELL JOHNSON & GREY**

By: s/ Francis J. Grey, Jr.  
Francis J. Grey, Jr. Esquire  
Jonathan A. Delgado, Esquire  
*Counsel for Defendant,  
Target Corporation*

Dated: March 6, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that I will serve a true and correct copy of the foregoing Demand for Jury Trial in accordance with Pa.R.C.P. 440 on all parties not electronically served. All other parties will be electronically served by the court in accordance with Pa.R.C.P. 205.4(g), and via certified mail.

Stuart A. Winegrad, Esquire  
Bezark, Lerner & Devirgilis, P.C.  
1600 Market Street, Suite 1610  
Philadelphia, PA 19103  
*Counsel for Plaintiff*

By: s/ Francis J. Grey, Jr.  
Francis J. Grey, Jr., Esquire

Date: March 6, 2019



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA  
COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

**ROTH**

*November Term 2018*

**VS**

**No. 03156**

**TARGET CORPORATION A/K/A, D/B/A AND  
T/A T**

**CASE MANAGEMENT ORDER  
EXPEDITED TRACK**

**DOCKETED  
TRIAL DIVISION - CIVIL  
07-MAR-2019**

**T. ITALIANO**

AND NOW, *Thursday, March 07, 2019*, it is Ordered that:

1. The case management and time standards adopted for expedited track cases shall be applicable to this case and are hereby incorporated into this Order.
2. All *discovery* on the above matter shall be completed not later than **07-OCT-2019**.
3. *Plaintiff* shall identify and submit *curriculum vitae and expert reports* of all expert witnesses intended to testify at trial to all other parties not later than **07-OCT-2019**.
4. *Defendant and any additional defendants* shall identify and submit *curriculum vitae and expert reports* of all expert witnesses intended to testify at trial not later than **04-NOV-2019**.
5. All *pre-trial motions* shall be filed not later than **04-NOV-2019**.
6. A *settlement conference* may be scheduled at any time after **04-NOV-2019**. Prior to the settlement conference all counsel shall serve all opposing counsel and file a settlement memorandum containing the following:
  - (a). A concise summary of the nature of the case if plaintiff or of the defense if defendant or additional defendant;
  - (b). A statement by the plaintiff or all damages accumulated, including an itemization of injuries and all special damages claimed by categories and amount;
  - (c). Defendant shall identify all applicable insurance carriers, together with applicable limits of liability.

7. A *pre-trial conference* will be scheduled any time after **06-JAN-2020**. Fifteen days prior to pre-trial conference, all counsel shall serve all opposing counsel and file a pre-trial memorandum containing the following:
  - (a). A concise summary of the nature of the case if plaintiff or the defense if defendant or additional defendant;
  - (b). A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;
  - (c). A list of all exhibits the party intends to offer into evidence. All exhibits shall be pre-numbered and shall be exchanged among counsel prior to the conference. Counsel should expect any exhibit not listed to be precluded at trial;
  - (d). Plaintiff shall list an itemization of injuries or damages sustained together with all special damages claimed by category and amount. This list shall include as appropriate, computations of all past lost earnings and future lost earning capacity or medical expenses together with any other unliquidated damages claimed; and
  - (e). Defendant shall state its position regarding damages and shall identify all applicable insurance carriers, together with applicable limits of liability;
  - (f). Each counsel shall provide an estimate of the anticipated length of trial.
8. *It is expected that the case will be ready for trial 03-FEB-2020*, and counsel should anticipate trial to begin expeditiously thereafter.
9. All counsel are under a continuing obligation and are hereby ordered to serve a copy of this order upon all unrepresented parties and upon all counsel entering an appearance subsequent to the entry of this Order.

**BY THE COURT:**

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***JOHN YOUNGE, J.  
TEAM LEADER***

# **EXHIBIT B**

## Jonathan Delgado

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**From:** Stuart A Winegrad <[swinegrad@bldvlaw.com](mailto:swinegrad@bldvlaw.com)>  
**Sent:** Monday, March 4, 2019 1:47 PM  
**To:** Jonathan Delgado  
**Subject:** RE: Roth v. Target  
**Attachments:** CASE MANAGEMENT CONF. MEMO - filed.pdf

Jon-

Attached is a copy of the Case Management Memo filed on Friday. The document is still pending in the e-filing system.

Stuart A. Winegrad, Esquire  
Bezark Lerner & DeVirgilis, P.C.  
1600 Market Street  
Suite 1610  
Philadelphia, PA 19103  
Email: [swinegrad@bldvlaw.com](mailto:swinegrad@bldvlaw.com)  
Tel. No. (215) 735-5599  
Fax No. (215) 735-4147

---

**From:** Stuart A Winegrad  
**Sent:** Friday, March 01, 2019 3:10 PM  
**To:** 'Jonathan Delgado' <[jdelgado@rtjglaw.com](mailto:jdelgado@rtjglaw.com)>  
**Subject:** RE: Roth v. Target

Jon-

I am sorry for the delay. Attached is a copy of the complaint. The Case Management Conference is scheduled for 3/7/19 at 11:00 am. I will get the specials to you in the mail. If need anything else let me know.

Stuart A. Winegrad, Esquire  
Bezark Lerner & DeVirgilis, P.C.  
1600 Market Street  
Suite 1610  
Philadelphia, PA 19103  
Email: [swinegrad@bldvlaw.com](mailto:swinegrad@bldvlaw.com)  
Tel. No. (215) 735-5599  
Fax No. (215) 735-4147

---

**From:** Jonathan Delgado <[jdelgado@rtjglaw.com](mailto:jdelgado@rtjglaw.com)>  
**Sent:** Tuesday, February 26, 2019 2:00 PM  
**To:** Stuart A Winegrad <[swinegrad@bldvlaw.com](mailto:swinegrad@bldvlaw.com)>  
**Subject:** RE: Roth v. Target

Could you also forward the Complaint when you get the chance.

Thanks!

---

**From:** Jonathan Delgado  
**Sent:** Tuesday, February 26, 2019 1:57 PM  
**To:** 'swinegrad@bldvlaw.com' <[swinegrad@bldvlaw.com](mailto:swinegrad@bldvlaw.com)>  
**Subject:** Roth v. Target

Stuart,

Just confirming our conversation that you will not be seeking a default and that you have granted Target a two extension to answer the Complaint. Target's answer will now be due on March 12.

Also as we discussed, if you could send over the medical package that would be a huge help.

Look forward to seeing you at the case management conference next week. Let me know if you need anything.

Best,  
Jon

**Jonathan A. Delgado, Esquire**

Direct Dial: 215-320-2103

Fax: 215-320-3261

E-Mail: [jdelgado@rtjglaw.com](mailto:jdelgado@rtjglaw.com)



**Ricci Tyrrell Johnson & Grey**  
ATTORNEYS AT LAW

1515 Market Street, Suite 700  
Philadelphia, PA 19102

Best Lawyers

**BEST**  
LAW FIRMS

US News  
2019

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**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

FRANCINE ROTH	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
v.	:	
	:	
TARGET CORPORATION a/k/a, d/b/a, and t/a TARGET	:	November Term, 2018
	:	No.: 3156
	:	

**CASE MANAGEMENT CONFERENCE MEMORANDUM**

Filing party: Plaintiff By: Stuart A. Winegrad, Esquire

Counsel's address & telephone number (**IMPORTANT**): Bezark Lerner & DeVirgilis, P.C.  
1600 Market Street, Suite 1610  
Philadelphia, PA 19103  
215-735-5599

**Part A**

*(to be completed in personal injury cases)*

1. Date of accident or occurrence: 8/14/2017

1(a). Age of Plaintiff(s): 76 years old

2. Most serious injuries sustained: bilateral displaced olecranon fractures.

3. Is there any permanent injury claimed:  Yes  No

If yes, indicate the type of permanent injury: permanent restriction of movement and scarring.

4. Dates of medical treatment: 8/14/17 – 1/22/18

5. Is medical treatment continuing?  Yes  No

6. Has there been any inpatient hospitalization?  Yes  No

***This form shall be presented to the Case Manager and copies served upon all parties at the Case Management Conference by counsel prepared to discuss its contents.***

7. Has there been any surgery?  Yes  No

If yes, indicate the type of surgery: ORIF of left and right olecranon.

8. Approximately medical bills to date: \$ In excess of \$50,000

Approximate medical bills recoverable in this case: \$ 20,000

9. Are there any existing liens (Workers' Compensation, DPW, Medical, etc.)?  Yes  No

If yes, what type and approximate amount? The Rawlings Company \$20,000

10. Time lost from work: To be supplied

11. Approximate past lost wages: To be supplied

12. Is there a claim for future lost earning capacity?  Yes  No

If yes, approximate future lost earning capacity: \_\_\_\_\_

13. Are there any related cases or claims pending?  Yes  No

If so, list caption(s) or other appropriate identifier: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Do you anticipate joining additional parties?  Yes  No

15. Plaintiff's factual position as to liability: Defendant permitted a slippery substance  
to be present on Defendant's floor  
\_\_\_\_\_  
\_\_\_\_\_

16. Defense factual position as to liability: See defendant's memo  
\_\_\_\_\_  
\_\_\_\_\_

17. Defense position as to causation of injuries alleged: \_\_\_\_\_ Unknown \_\_\_\_\_

18. Identify all applicable insurance coverage:

<i>Defendant</i>	<i>Insurance Carrier</i>	<i>Coverage Limits</i>
Target _____	_____	unknown _____
_____	_____	_____
_____	_____	_____

Are there issues as to the applicability  
of the above insurance coverage:

Yes

No

19. Demand: \$ 1.2 million Offer: \$ \_\_\_\_\_